

September 28 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Attorneys for Plaintiffs

FILED

SEP 28 2009

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. DA-09-0505

IN THE SUPREME COURT OF THE STATE OF MONTANA

CACV OF COLORADO, LLC)
)
Plaintiff/Appellee,)
)
-vs-)
)
JAMES R. MOSTI)
)
Defendant/Appellant)

MOTION FOR EXTENSION OF TIME TO FILE APPELLEE'S RESPONSE
 TO APPELLANT MOSTI'S MOTION TO REINSTATE AND FILE APPEAL

COMES NOW, the above-named Plaintiff and Appellee, CACV OF
 COLORADO, LLC, by and through its undersigned counsel, and moves
 the Court for its Order extending the time within which Appellee may file its
 response to Appellant Mosti's Motion to Reinstate and File Appeal for an

additional period of fourteen (14) days from and after the current deadline for filing that response, which is Monday, September 28, 2009. This Motion is made upon the ground and for the reason that undersigned counsel for Appellee was just retained and substituted as counsel to represent CACV of Colorado, LLC, on the date of this Motion, Friday, September 25, 2009, and has not been able to obtain or review the record on appeal or in the district court below. Undersigned counsel for CACV of Colorado, LLC, has attempted to contact counsel for Appellant Mosti by phone on the afternoon of Friday, September 25, 2009 regarding this Motion, and has left a voice mail for him, but was unable to reach or speak to Appellant's counsel, Mr. James D. Moore, and was unable to ascertain whether he consents to or objects to this Motion.

A proposed form of Order is lodged with the Court.

Dated this 25th day of September, 2009.

CHURCH, HARRIS, JOHNSON & WILLIAMS, P.C.

By: 

STEVEN M. JOHNSON

Church, Harris, Johnson & Williams, P.C.

P.O. Box 1645

Great Falls, MT 59403

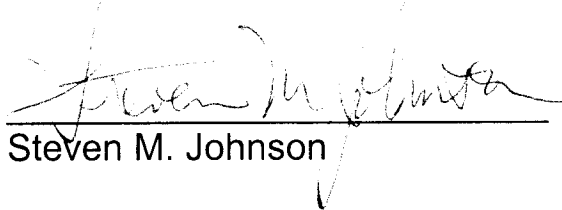
Attorney for Appellee

CERTIFICATE OF MAILING

I hereby certify under penalty of perjury that the foregoing was duly served upon the attorney for the party entitled to service on the 25th day of September, 2009 by the undersigned depositing a copy in the United States mail at Great Falls, Montana, enclosed in a sealed envelope with first class postage prepaid thereon and addressed as follows:

James D. Moore
Attorney at Law
P.O. Box 116
Kalispell, Montana 59903

Dated this 25th day of September, 2009



Steven M. Johnson